



November 20, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Communication; MM Docket No. 99-25

Dear Ms. Dortch:

On November 19, 2012, Jane Mago and the undersigned of the National Association of Broadcasters (NAB), met with Alex Hoehn-Saric, Policy Director for Commissioner Jessica Rosenworcel, to discuss issues regarding the above-captioned proceeding.

We first addressed the Commission's implementation of Section 3 of the Local Community Radio Act of 2010 (LCRA), which prohibits the Commission from reducing the minimum second-adjacent channel distance separation requirements between low power FM (LPFM) stations and full-service FM stations, but permits waivers under certain circumstances. NAB stated our view that such waivers should be considered only in truly exceptional circumstances, given the plain language and legislative history of the LCRA. We also noted that the LCRA requires an interfering LPFM station to immediately cease operations while it tries to correct the problem, which could be a death-knell for many LPFM stations.

To avoid such drastic consequences, NAB urged the Commission to take a cautious approach to second-adjacent waivers, and require clear and convincing evidence that a proposed LPFM station will not cause interference to full-service FM stations. We note that determining the interference potential of either a second-adjacent LPFM station or similarly-situated FM translator is not a simple matter. For example, Educational Media Foundation (EMF) notes that, despite vast experience in the location of FM translators on second-adjacent channels, and access to sophisticated computer interference-prediction software, as many as 5% of EMF's translators must cease operations or otherwise correct

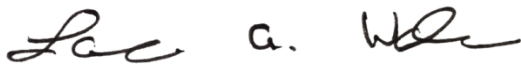
1771 N Street NW
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interference problems.¹ NAB is concerned that, despite the best efforts and intentions of LPFM waiver applicants, many LPFM stations will simply lack the experience and expertise to accurately assess potential interference, and lack the resources to correct any subsequent problems.

NAB proposed one simple, reasonable procedure that could facilitate the Commission's consideration of waiver requests. We urged the Commission to require that LPFM applicants for second-adjacent waivers provide advance notice to any full-service FM stations that may be impacted by grant of the waiver request. These stations should have the opportunity to review and potentially improve the engineering showing provided by the LPFM applicant. Such an approach would offer benefits to everyone involved, including the Commission, the LPFM applicant, the full-service station, and listeners.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is fluid and cursive, with the first name "Lawrence" being more prominent than the last name "Walke".

Lawrence A. Walke

cc: Alex Hoehn-Saric

¹ Comments of Educational Media Foundation, MM Docket No. 99-25 (filed May 8, 2012).